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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|---------------------------------------------|
| UNITED STATES OF AMERICA, |) | Case No.14-MJ-71426 -MAG |
| Plaintiff, |) | |
| |) | |
| v. |) | STIPULATION AND [PROPOSED] ORDER |
| |) | WAIVING TIME UNDER RULE 5.1 AND |
| JOSE VLADAMIR ORTIZ, |) | RESCHEDULING THE PRELIMINARY HEARING |
| |) | FROM MARCH 19, 2015 TO MARCH 25, 2015 |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |

STIPULATION

Defendant Jose Ortiz (hereafter, the “Defendant”) was charged by complaint in the above-referenced matter in the Northern District of California with conspiracy to possess with intent to distribute a controlled substance, to wit: cocaine. The parties have been discussing a pre-indictment resolution and are in the final stages of doing so, following a recent counter-proposal by defense counsel. As such, the parties require an additional week to allow time to formalize the agreement and prepare the anticipated plea agreement. Further, defense counsel requires additional time to meet with her in-custody client to review the anticipated plea agreement.

For the reasons stated above, Defendant and the Government jointly request that the preliminary hearing date be moved from March 19, 2015 to March 25, 2015. The parties further request that time be excluded and waived under Federal Rule of Criminal Procedure 5.1 between the aforementioned dates and such waiver is made with Defendant's consent. Based on the good cause described above, the parties make their request to allow for effective preparation of counsel and in the interests of justice.

IT IS SO STIPULATED.

DATED: March 18, 2015

/s/

KATIE BURROUGHS MEDEARIS
Assistant United States Attorney

/s/

JOYCE LEVITT
Counsel for Jose Ortiz

~~[PROPOSED]~~ ORDER

For the reasons stated by the parties, the Court finds that the aforementioned request is supported by good cause and made with the consent of Defendant. Fed. R. Crim. Proc. 5.1(c) and (d). The Court therefore finds that an exclusion and waiver of time between March 19, 2015 and March 25, 2015 is merited under Federal Rules of Criminal Procedure Rule 5.1(c) and (d) and moves the date of the preliminary to March 25, 2015.

IT IS SO ORDERED.

Dated: March 18, 2015


HONORABLE KANDIS WESTMORE
United States Magistrate Judge